

### REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 3, 5-9, 11, 14-17, 19-24, 26, and 28-47 are pending. Applicant's remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action. In addition, the remarks should be entered to place the case in better form for an Appeal.

#### Examiner's Response to Arguments

10 The Office states that Applicant's previous arguments are not persuasive (*Office Action* p.4). Applicant disagrees and asserts that the Office has not provided a basis for the continued rejection.

Applicant claims that a graphical display of a portable computing device is turned off to conserve power before the shutdown of an operating system running on the computing device when a control is selected to initiate turning off power to operate the computing device. (See independent claim 1, for example, and independent claims 8, 16, 22, 28, 31, 36, 40, and 44 for similar features).

20 The Office states that Applicant's Fig. 1 shows a shutdown process for a computer with the exception of a display being turned off before an operating system is shutdown (*Office Action* p.4). Applicant agrees with the Office that Applicant's Fig. 1 does not show that a graphical display of a portable computing device is turned off before an operating system is shutdown.

25 The Office also states Cho teaches "the display power is turned off before other components of the computer are shutdown or turned off" (*Office Action* p.4). Clearly, the Office cannot assert that Cho teaches the display power is turned off before an operating system is shutdown, as Applicant

claims, because Cho is deficient in this teaching. Applicant does not disagree that Cho describes the display power being turned off mere milliseconds before the system power is turned off. However, Cho has not considered or provided any time to shut down an operating system running on a computing device  
5 within the few milliseconds after the display has been turned off and before the system power is cut off.

Further, the Office even recognizes that Cho does not teach an operating system being shut down after a graphical display has been turned off (*Office Action* dated July 12, 2004, p.3). The Office states Cho discloses that a  
10 microcomputer first sends out a signal to cut off power to a liquid crystal display and then sends out a signal to cut off power to the entire system (col.4, lines 21-24). Cho is directed to the power shutdown of a computer system, and the "system" referenced in Cho is the hardware power system of a notebook computer. There is no indication whatsoever of shutting down an operating  
15 system or other executable processes in Cho. Again, Cho provides no basis to conclude that an operating system is shutdown within the few milliseconds between when the display is turned off and when the system power is cut off.

Cho simply describes that display screen power is shutdown just before the computer system power is cut off to prevent flicker and damaging the  
20 display screen with an abrupt electrical surge (*Cho* col.3, line 35 to col.4, line 24). The Office states that the combination of Applicant's Fig. 1 and Cho "would provide a blank display when the shutdown processing is initiated, so that the display power can be saved and the flickering and afterimage can be avoided" (*Office Action* p.4). Applicant contends that there is no basis to even  
25 combine Cho with Applicant's Fig. 1 because Cho, by itself, describes that the display screen power is shutdown (provides a blank display) when shutdown is

initiated (just before system power is cut off) to prevent flicker and damage to the display screen.

Given that (1) the Office recognizes Applicant's Fig. 1 does not show a graphical display of a portable computing device being turned off before an operating system is shutdown; (2) the Office recognizes that Cho is deficient and does not teach display power being turned off before an operating system is shutdown; and that (3) there is no basis to even combine Cho with Applicant's Fig. 1, Applicant submits that the Office is improperly relying upon the disclosure of the subject application to interpret a non-existent feature of Cho as a basis to substantiate a rejection of the subject application. Merely concluding that it would be obvious to modify Cho with the disclosure of the subject application is not a proper basis to substantiate a rejection.

Accordingly, Applicant respectfully requests that the §102 and §103 rejections be withdrawn for at least the reasons described above.

#### **Finality Not Proper**

The Examiner has indicated that the current Office Action is Final. However, Applicant respectfully asserts that the finality is improper and should be withdrawn.

In a Preliminary Amendment filed June 10, 2004, Applicant submitted new claims 31-47 that expressly recite a combination of features suggested by the Examiner in a teleconference on June 9, 2004. Applicant expressly claims that when an input is received to shutdown a computing device, a graphical display of the computing device is turned off first, an operating system running on the computing device is shut down second (i.e., after the graphical display is turned off), and third, power to operate the computing device is turned off.

Other than to list claims 31-47 as being rejected on the *Office Action Summary* form, claims 31-47 are not indicated as being allowable, rejected, or otherwise discussed anywhere within the Detailed Action beginning at page 2 of the Office Action. Based on the discussion of Cho above, claims 31-47 are allowable over Cho. Applicant respectfully requests that the finality of the action be withdrawn, and that the Office provide a subsequent action that addresses claims 31-47 so that Applicant can formulate a detailed response.

### 35 U.S.C. §102 Claim Rejections

Claims 1-2, 5-10, 13-18, 20-22, 24, 26-28, and 30 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,081,902 to Cho (hereinafter, "Cho") (*Office Action* p.2). Claims 2, 10, 13, 18, and 27 were previously canceled. Applicant respectfully traverses the rejection of the remaining claims 1, 5-9, 14-17, 20-22, 24, 26, 28, and 30.

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The §102 rejection is deficient in that the Office does not address the feature of turning off the graphical display "before the shutdown of *the operating system* running on the portable computing device is initiated", as recited in claim 1 for example. Instead, the Office states that Cho discloses a feature of turning off the graphical display "before *the process* to shutdown the portable computing device is initiated". Applicant does not claim the process as indicated, and as such, the §102 rejection does not properly provide a basis to reject the independent claims.

Accordingly the independent claims 1, 8, 16, 22, and 28, along with the respective dependent claims, are allowable over Cho and the §102 rejection should be withdrawn.

In the independent claims 1, 8, 16, 22, and 28, Applicant claims that a graphical display is turned off before an operating system is shutdown in a computing device. As described above in the discussion of Cho to address the Examiner's *Response to Arguments*, Cho does not disclose, teach, or otherwise  
5 suggest that a graphical display of a portable computing device is turned off before an operating system is shutdown, as claimed.

Cho only describes that display screen power is shutdown just before the computer system power is cut off to prevent flicker and damaging the display screen with an abrupt electrical surge (*Cho* col.3, line 35 to col.4, line 24). Cho  
10 simply sends an interrupt signal (S200, Fig. 4) to output a display power shutdown signal (S220, Fig. 5) to shutdown various signals of the display (S222-S227, Fig. 6). Cho also indicates several milliseconds delay between the various shutdown signals of the display (*see* Fig. 6).

When the display is shutdown, a display power shutdown completion  
15 signal is output (S227, Fig. 6), then a display power shutdown confirm signal is output (S240, Fig. 5), and then a system power off signal is output (S400, Fig. 4) to cut off the computer power. However, Cho does not indicate any sort of delay between the display power shutdown completion signal and the output of the system power off signal. Accordingly, Cho has not considered or  
20 provided any time to shut down an operating system that may be running on a computing device within the few milliseconds after the display has been turned off and before the system power is cut off.

Accordingly, the independent claims 1, 8, 16, 22, and 28, along with the respective dependent claims, are allowable over Cho for at least the reasons  
25 described above, and Applicant respectfully requests that the §102 rejection be withdrawn.

**35 U.S.C. §103 Claim Rejections**

Claims 3-4, 11-12, 19, 23, 25, and 29 are rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 6,081,902 to Cho (*Office Action* p.3). Claims 4, 12, and 25 were previously canceled. Applicant respectfully  
5 traverses the rejection of the remaining claims 3, 11, 19, 23, and 29.

Claim 3 is allowable by virtue of its dependency upon claim 1 which is allowable over Cho for at least the reasons described above in the §102 rejection of claim 1. Accordingly, the §103 rejection should be withdrawn.

10 Claim 11 is allowable by virtue of its dependency upon claim 8 which is allowable over Cho for at least the reasons described above in the §102 rejection of claim 8. Accordingly, the §103 rejection should be withdrawn.

Claim 19 is allowable by virtue of its dependency upon claim 16 which is allowable over Cho for at least the reasons described above in the §102  
15 rejection of claim 16. Accordingly, the §103 rejection should be withdrawn.

Claim 23 is allowable by virtue of its dependency upon claim 22 which is allowable over Cho for at least the reasons described above in the §102 rejection of claim 22. Accordingly, the §103 rejection should be withdrawn.

Claim 29 is allowable by virtue of its dependency upon claim 28 which  
20 is allowable over Cho for at least the reasons described above in the §102 rejection of claim 28. Accordingly, the §103 rejection should be withdrawn.

**Conclusion**

Pending claims 1, 3, 5-9, 11, 14-17, 19-24, 26, and 28-47 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. If any issues remain that preclude issuance  
5 of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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Dated: March 23, 2005By: 

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